

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ME SUN NOH,

Defendant.

**PRELIMINARY ORDER OF
FORFEITURE AS TO
SUBSTITUTE ASSETS**

No. 15-cr-744 (RJS)

RICHARD J. SULLIVAN, Circuit Judge:

On or about October 22, 2015, ME SUN NOH (“Defendant”) waived indictment and was presented on a six-count Information, 15 Cr. 744 (RJS) (the “Information”), that charged him with conspiring to violate the Travel Act and to commit money laundering, in connection with running a prostitution operation, in violation of 18 U.S.C. § 371 (Count One); violating the Travel Act, in violation of 18 U.S.C. § 1952(a)(1) & (a)(3) (Count Two); engaging in money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i) and 2 (Count Three); conspiring to commit bank fraud, in violation of 18 U.S.C. § 1349 (Count Four); committing aggravated identity theft, in violation of 18 U.S.C. §§ 1028A and 2 (Count Five); and conspiring to distribute, or possess with intent to distribute, 500 grams and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) (Count Six). That same day, Defendant pleaded guilty to Counts One through Six of the Information pursuant to a plea agreement with the government and Defendant admitted the forfeiture allegations with respect to Counts One through Six of the Information.

On or about December 1, 2016, at the time of Defendant’s sentencing, the Court entered a Preliminary Order of Forfeiture (the “Order of Forfeiture”), imposing a money judgment against Defendant in the amount of \$1,246,368.34 (the “Money Judgment”) representing (1) any

and all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One, Two, and Four of the Information, (2) any and all property, real and personal, involved in the offense charged in Count Three of the Information, and (3) any and all property used or intended to be used, in any manner or part, to commit, or facilitate the commission of, the offense charged in Count Six of the Information.¹ The Court also ordered that Defendant forfeit all right, title, and interest in certain assets, namely, \$5,763.72 on deposit in an account at Citibank, N.A. held in the name of Ocean Star 11, and \$933.83 on deposit in an account at JPMorgan Chase & Co. held in the name of Green Pole Inc. (the “Specific Property”). (Doc. No. 22).

Nearly three years later, on October 22, 2019, the Court entered a Final Order of Forfeiture that forfeited all right, title, and interest of the Specific Property to the government. (Doc. No. 30). To date, however, \$1,239,670.79 of the Money Judgment against Defendant remains unpaid, and the government has not been able to locate, obtain, or collect assets traceable to the proceeds of Defendant’s offenses, despite the exercise of due diligence in investigating the assets of Defendant. Nevertheless, the government has identified a specific asset in which Defendant has an ownership interest, namely, \$5,710.23 in United States currency formerly on deposit in JPMorgan Chase & Co. Account No. 675165059, held in the name of Green Pole, Inc. (the “Substitute Asset”).

¹ In the parties’ Consent Preliminary Order of Forfeiture/Money Judgment, the government did not seek forfeiture with respect to Count Five of the Information – aggravated identity theft, in violation of 18 U.S.C. §§ 1028A and 2. (Doc. No. 22.)

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. All of Defendant's right, title and interest in the Substitute Asset is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n).

2. Upon entry of this Preliminary Order of Forfeiture of Substitute Asset, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Asset and to keep it in its secure custody and control.

3. Upon entry of a Final Order of Forfeiture, the Substitute Asset shall be applied toward the satisfaction of the Money Judgment entered against Defendant.

4. Pursuant to 21 U.S.C. § 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the government shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Asset and provide notice that any person, other than Defendant in this case, claiming an interest in the Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and

extent of the petitioner's right, title, or interest in the Substitute Asset and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

6. The government may also, to the extent practicable, provide direct written notice to any person, other than Defendant, known to have an alleged interest in the Substitute Asset, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Asset, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Asset, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

SO ORDERED.

Dated: New York, New York
May 16, 2023



HONORABLE RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation